Record on Appeal – Tab 3

1 **LAW OFFICE OF RODNEY M. KLEMAN**
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4 **(831)649-0200**

5 Attorney for Debtor(s)

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7   UNITED STATES BANKRUPTCY COURT

8   NORTHERN DISTRICT OF CALIFORNIA

9

10 In re: ACAYA, Leticia I.   Chapter 13
                                                 Case No. 06-5-1741 MMor
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12   Debtor(s)   Date: December 15, 2006
                                                 Time: 10:00 A.M.
13 _____   Place: U.S. Bankruptcy Court, 1000 South
                                                        Main Street, Room 214, Salinas,
14 D E V I N   D E R H A M - B U R K,   California
    TRUSTEE   Judge: Marilyn Morgan
15
    AND
16
    WELL   FARGO   FINANCIAL
17 ACCEPTANCE

18

19   Objector(s)

20 **PRE-HEARING CONFERENCE STATEMENT RE: OBJECTION BY DEVIN**

21 **DERHAM-BURK, TRUSTEE AND WELLS FARGO FINANCIAL ACCEPTANCE**

22   Counsel for debtor(s) and Objector(s) have conferred by telephone pursuant to the Court's

23 ORDER RE PREHEARING CONFERENCE ON OBJECTION TO CONFIRMATION in

24 this matter, and the following is the Prehearing Conference Statement required by that Order:

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1.   *The date the objection was filed:*

The Chapter 13 Trustee; Devin Derham-Burk, filed an Objection electronically on October 27, 2006. Wells Fargo Financial Acceptance; hereinafter "Wells Fargo," filed an Objection electronically on October 13, 2006.

2.   *The date of the initial conference to resolve the objection and the dates of all subsequent contacts regarding resolution of the objection:*

The Office Of Devin Derham-Burk, Trustee, and The Law Offices Of Rodney M. Kleman, counsel for the Debtor, initially spoke together on November 7, 2006. Subsequent contact between counsel regarding the resolution of the Objection(s) occurred on: None.

Donald H. Cram, III, counsel for Wells Fargo, and The Law Offices Of Rodney M. Kleman initially spoke together on October 19, 2006. Subsequent contact between counsel regarding the resolution of the Objection(s) occurred on: None.

3.   *A precise and separate statement of each factual and legal issue which must be determined to resolve the objection and a brief statement of the facts in support thereof:*

The Chapter 13 Trustee; Devin Derham-Burk, filed an Objection to the confirmation of the instant matter as Debtor failed to appear for examination at the scheduled Section 341 Meeting Of Creditors and as Debtor failed to provide the trustee with proof of her identity and Social Security Number.

Wells Fargo filed an Objection to the confirmation of the instant matter alleging their claim to have arisen within 910 days of the instant Bankruptcy filing and therefore entitled to full contract balance repayment. Further, Wells Fargo Objected to the proposed interest rate and adequate protection payment. Additionally, Wells Fargo questioned the feasibility of Debtor's Plan and requested attorney's fees and costs.

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1   4.   *Proposed discovery schedules and proposals for alternative dispute resolution:*

2   N/A

3   5.   *Developments since the last hearing and the current status:*

4   Debtor appeared before the Chapter 13 Trustee for examination at her Section 341

5   Meeting Of Creditors and provided the Trustee with proof of her identity; thereby

6   resolving the Trustee's Objection.

7   With regard to the Objection filed by Wells Fargo, counsel will be requesting the

8   matter be set for a hearing in either January or February, 2007 so that the Court can

9   rule on whether a negative trade-in on a purchase money security interest contract

10   written within 910 days of Debtor's Bankruptcy filing can be paid at a lesser dividend

11   than the balance of the 910 claim.

12   Respectfully submitted,

13   Dated: November 30, 2006   /s/ Shian MacLean #133765
                                                      SHIAN MACLEAN
14   Attorney for the Debtor(s)

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